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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,597	08/30/1999	JAMES A. PARKER	283_205CIP	9401
20874	7590	04/15/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/385,597

Applicant(s)

PARKER ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 0705.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 71-83 and 97-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 71-83 and 97-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Requesting Continued Examination (RCE)*

1. Receipt is acknowledged of the Requesting Continued Examination (RCE) field 07 March 2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 71, 73-76, 78-80, 83, 97-98, 100-104 and 106-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al (US 5,821,523) in view of Worthington et al (US 5,510,606).

Re claims 71, 73-76, 79-80, 83, 97-98, 100-104 and 106-107: Bunte et al discloses a system 100 comprising an optical reader 104 including an imaging assembly 102, a display 114, a keyboard

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116, a controller 601 configured to capture image data and decode decodable bar code symbols therein (figs. 1 and 6; col. 5, lines 24+ and col. 13, lines 52+), the optical reader further including a hand held housing encapsulating the imaging assembly and the controller, the hand held housing further supporting the display and the keyboard (figs. 1 and 6), and a host processor 904 spaced apart from optical reader (fig. 9), wherein the hand held housing is adapted to be held in a human hand so that the optical reader is moveable between a variety of orientations and distances with respect to the host processor 904 (figs. 1-3 and 9; col. 18, line 5 through col. 20, line 11); wherein the system is further configured so that in a second mode the host processor sends to the optical reader a display control instruction, wherein the optical reader substantially on receipt of the display control instruction causes a predetermined indicia to be displayed on the display (col. 23, lines 15-67).

Bunte et al further discloses that the terminal 104 or imaging capture module 902 receives trigger command, which can be initiated by a user or from the host (col. 20, lines 15+ and col. 22, lines 66+) and transmits captured image to the host (col. 20, lines 53+), but is silent with respect to any indication letting the operator knows when the trigger is detected or whether the transmission is successful or incomplete (i.e., wherein the system is configured so that in a first mode the host processor sends to the optical reader a beeper control instruction, wherein the optical reader substantially on receipt of the beeper control instruction actuates the acoustic output device so that the acoustic output device emits a series of beeps via an acoustic output device).

Worthington et al teaches handheld terminal 300 having a barcode scanner 304, which can be a CCD scanner, keypad 302, display 303, an acoustic output device/speaker 308 (fig. 3; col. 4, lines 13+); the terminal 300 is connected to a host computer 410 (fig. 4A-B); the host computer 410 can transmit instruction to the CPU 414 of the terminal to produce audio feedback, a series of beeps,

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or to display message on the LCD 103, etc. to confirm the data transmission result or to ask for data input (figs. 2 and 4A-B; col. 1, lines 54+ and col. 5, line 55 through col. 6, line 21).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the voice prompt or series of beeps via a speaker of Worthington et al into the system as taught by Bunte et al in order to provide Bunte et al with a more reliable system, in which the operator can be alerted when an operation trigger is detected and/or whether the data transmission is successful or incomplete.

Re claim 78: Bunte et al discloses once a trigger, which can be initiated from the host/central center, is detected (col. 20, lines 13+) (i.e., the trigger is considerably an instruction received from the host), the image capture module start performing necessary adjustments of illumination system (col. 20, lines 18-37), and the hand held optical reader directs light toward a target of the hand held optical reader (col. 14, lines 3-30).

5. Claims 72, 77, 81-82, 99 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al as modified by Worthington et al as applied to claims 71, 76 and 98 above, and further in view of Tracy et al (US 5,979,757). The teachings of Bunte et al as modified by Worthington et al have been discussed above.

Re claims 72, 77, 81-82, 99 and 105: Bunte et al/Worthington et al has been discussed above but is silent with respect to a light source, and wherein the system is configured so that the host processor in a further mode sends to the optical reader a light source control instruction, the optical reader substantially on receipt of the light source instruction causes the light source to flash on and off.

Tracy et al teaches a bar code reader 240 is provided with a flashing light 242, which is activated by the central processor (fig. 9; col. 7, lines 18+).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a flashing light of Tracy et al into the system as taught by Bunte et al/Worthington et al in order to provide Bunte et al/Worthington et al with an alternate system for attracting/getting user attention when the terminal is ready for operation, and therefore an obvious expedient.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 71-83 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited references to Bunte et al, Worthington et al and Tracy et al have been used in the new ground rejection to further meet the newly added limitation of the claimed invention (i.e., claims 1, 10 and 19-31).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Gibbs et al (US 5539193 A); Rando et al (US 5874722 A); Agabra et al (US 6112992 A); Walsh et al (US 6144848 A); Itoh et al (US 6527179 B1) are cited as of interest and illustrate a similar structure to an optical reader system comprising local host and optical reader.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G. LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le  
April 03, 2005